



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____
BILL 1 (2016)

A BILL FOR AN ORDINANCE

RELATING TO ROADWAYS WHOSE OWNERSHIP IS IN DISPUTE BETWEEN THE STATE AND THE CITY AND COUNTY OF HONOLULU.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to address the problem of substandard and unmaintained public streets, roads, or highways whose ownership is in dispute between the State and the City, and which are located within a one-half mile radius of a rail transit station.

SECTION 2. Chapter 14, Revised Ordinances of Honolulu 1990 ("Public Works Infrastructure Requirements Including Fees and Services"), is amended by adding a new article to be appropriately designated by the revisor of ordinances and to read as follows:

"Article __. Maintenance and Repair of Roadways in Dispute

Sec. 14-__1 Definitions.

As used in this article:

"Director and chief engineer" means the director and chief engineer of the department of facility maintenance.

"Roadways in dispute" means public streets, roads, highways whose ownership is in dispute between the state and the city as the term is used in HRS Section 46-15.9. The term "roadways in dispute" includes any associated bridges and bicycle lanes as the latter term is defined in HRS Section 291C-1, but does not include any non-vehicular right-of-way or any alley or bicycle path as those terms are defined in HRS Section 291C-1.

Sec. 14-__2 Surface maintenance and repair.

- (a) Subject to the availability of appropriations, the department of facility maintenance shall maintain or repair by remedial patching, resurfacing, paving, or other means as applicable those portions of roadways in dispute that have been determined by the director and chief engineer, in consultation with the director of the department of transportation services and the director of the department of planning and permitting, to meet the following criteria:



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- (1) The street or road is not claimed as owned by the state or any other governmental entity;
 - (2) The street or road is not maintained or repaired by any governmental entity other than the city pursuant to this article;
 - (3) The street or road is open to, serves, and benefits the general public;
 - (4) The street or road is, in part or in whole, within a one-half mile radius of any rail transit station;
 - (5) Maintenance of the street or road by the city will be practicable and safe;
 - (6) Maintenance of the street or road surface is necessary to protect the safety of motorists, bicyclists, and pedestrians or is otherwise in the public interest; and
 - (7) The street or road does not suffer such design defects as to make use of the street or road hazardous to the general public.
- (b) At the director and chief engineer's professional discretion, paved and unpaved roads shall be maintained or repaired by: (i) remedial patching with like materials, (ii) resurfacing or paving when the chief engineer determines that the paved or unpaved roadway is in such poor condition that remedial patching is impractical and not cost effective, or (iii) any other means that the director and chief engineer deems necessary to ensure public safety on the roadways.

The decks of bridges associated with roadways in dispute shall be maintained by remedial repairs with like materials or if the chief engineer determines that the deck is in such poor condition that remedial repairs are impractical and not cost effective, the deck may be replaced with like material. The director and chief engineer shall also provide for the maintenance, repair or replacement of bridge railings.

Maintenance work to be performed by the city pursuant to this section shall include installation or maintenance of curbs, shoulders, gutters, drainage facilities, or similar infrastructure if in the opinion of the director and chief engineer this work is necessary to ensure public safety.

- (c) The director and chief engineer, in consultation with the director of the department of transportation services, shall discontinue maintenance of specific



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roadways in dispute when the director and chief engineer determines that such streets and roads no longer meet one or more of the criteria set forth in subdivisions (1) through (7) of subsection (a).

- (d) In accordance with HRS Section 46-15.9(c), nothing contained in this section and no action undertaken pursuant to this section shall be construed as city ownership of the roadway or roadways in dispute.

Sec. 14-__3 Street lighting.

- (a) When needed as determined by the director of transportation services, and subject to the availability of appropriations, the department of transportation services shall install and maintain new street lights or maintain existing street lights on those portions of roadways in dispute that have been determined by the director of the department of transportation services, in consultation with the director and chief engineer and the director of the department of planning and permitting, to meet the criteria set forth in subdivisions (1) through (7) of subsection (a) and, with respect to existing street lighting systems, to meet the city's then current standards for design, construction, installation, equipment and materials.
- (b) Maintenance work to be performed by the city pursuant to this section shall include, but not be limited to, replacing and upgrading street light fixtures, photoelectric cells, and bulbs as necessary and paying energy costs applicable to such street lights.
- (c) The director of the department of transportation services, in consultation with the director and chief engineer, shall discontinue maintenance of street lighting systems for specific roadways in dispute, including the payment of energy costs, when the director of the department of transportation services determines that such streets and roads no longer meet one or more of the criteria referred to in subsection (a).
- (d) In accordance with HRS Section 46-15.9(c), nothing contained in this section and no action undertaken pursuant to this section shall be construed as city ownership of a roadway or roadways in dispute.



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Sec. 14-__4 Rule-making authority.

In accordance with HRS Chapter 91, the director and chief engineer and director of transportation services may adopt rules having the force and effect of law for the implementation, administration and enforcement of this Article."

SECTION 3. This ordinance takes effect 180 days after its approval.

INTRODUCED BY:

DATE OF INTRODUCTION:

JAN 5 2016
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

KIRK CALDWELL, Mayor
City and County of Honolulu